THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11225 of 2004

Dated:22.2.2007

Between
Visakhapatnam Port Trust
Visakhapatnam rep., by its Chairman
.....Petitioner

and

1.The Regional Labour Commissioner
(Central) Appellate Authority under the
Payment of Gratuity Act 1972 and others.
...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11225 of 2004

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the Application No.29 of 2003 dated 17.6.2004 on the file of the 1st respondent upholding the order of the 2nd respondent in case No.32 of 2003 dated 30.9.2004 and to quash the same.

When the gratuity amount was not paid, the 3rd respondent-workman approached the 2nd respondent-Assistant Labour Commissioner (Central) and Controlling Authority under payment of Gratuity Act, 1972, Visakhapatnam by filing a claim petition and the same was answered in his favour. Aggrieved by the same, the petitioner-Management filed an appeal and the same

was dismissed by confirming the order of the 2nd respondent, against which the present writ petition is filed.

Learned counsel for the respondent-workman states that the disciplinary proceedings against the 3rd respondent were concluded and now there is an embargo for the petitioner-Management to pay the Gratuity amount as per law. Therefore, the 3rd respondent may be permitted to withdraw the very claim petition made before the Primary Authority.

Permission is accorded to withdraw the claim petition.

Therefore, the order passed by the Primary Authority as confirmed by the appellate authority are set aside and the writ petition is allowed as such, leaving liberty to the 3rd respondent to approach the petitioner-Management and work out his remedies as available under law.

22-02-2007

rkk